



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/298,282	04/23/1999	MUHAMMED IBRAHIM SEZAN	SLA0115	1864
20575	7590	05/03/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 1030 SW MORRISON STREET PORTLAND, OR 97205			BELIVEAU, SCOTT E	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/298,282

Applicant(s)

SEZAN ET AL.

Examiner

Scott Beliveau

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6,12 and 14 is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 21 January 2005 has been entered.

Response to Arguments

2. Pursuant to the filing of the Appeal Brief of 25 August 2003, applicants noted that the objection to claim 8 as well as the rejection of claims 8-11 presented in the Final Rejection of 25 March 2003 were not issues on appeal and would be corrected subsequent to the Board's decision (Page 3, Lines 1-3). Applicant's response, however, fails to correct/address these outstanding issues and as such the previously presented rejections/objections are repeated.

Claim Objections

3. Claim 2 is objected to because a typographical error appears to have been introduced into the phrase "said key clips are references" during prosecution. Applicant's original version of claim 2 utilizes the phrase "said key clips are referenced". Appropriate correction is requested.

Art Unit: 2614

4. Claim 8 is objected to because the claim references “said PSIP information”. While there appears to be insufficient antecedent basis for this limitation in the claim, the limitation does not rise to the level of being indefinite, as the examiner believes that the applicant is referencing the earlier reference to PSIP data. For the purpose of clarity, the examiner would request for the claim to be amended such that line 5 of the claim references “Program and System Information Protocol (PSIP) information [data]” such that the language used is consistent throughout the claim. Appropriate correction is requested.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "said audiovisual program description". There is insufficient antecedent basis for this limitation in the claim. In particular, the examiner is unclear what is necessarily being claimed as the “audio program description “ may be referring to the PSIP data, and/or the references to key-clips. For the purposes of art evaluation, the examiner presumed that “said audiovisual program description” referenced the information extracted via the description extraction module of claim 12. This issue was not addressed by, nor does it appear material to the reasons for allowance presented in the decision Board of Patent Appeals and Interferences.

Allowable Subject Matter

7. Claims 1, 3-6, 12, and 14 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter:

The application is allowable for the reasons set forth pursuant to decision of the Board of Patent Appeals and Interferences on 30 November 2004 which is hereby incorporated by reference.

With respect to claim 1 (previously presented claim 7), as set forth in the Board's decision claim 1 requires that the claimed "defined format" be a universal format that covers both event and object based content identification. As interpreted by the Board, the references only teach the usage of a format to identify events, and as such the reference do not teach the usage of a single or defined format to cover both event and object based content identification.

With respect to the rejection of claim 12, as set forth in the Board's decision, the claim language requires the usage of an "interference engine" ordinarily defined as "the part of a rule-based expert system that makes logical inferences or decisions". As interpreted by the Board, the claim requires a specific type of knowledge-based system that includes an interference engine which is different from the "knowledge-based system" of Sezan et al. which makes decisions as to which highlights to utilize in constructing a program summary (Sezan et al.: Col 8, Lines 30-37).

9. Claim 2 would be allowable as it depends from allowable independent claim 1 if amended to overcome the objection to the typographical errors in the claim.

Art Unit: 2614

10. Claims 8-11 would be allowable for the reasoning set forth in the decision of the Board of Patent Appeals and Interferences (30 November 2004) if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

In particular, with respect to the rejection of claims 8-11, as set forth in the Board's decision, the language of claim 8 requires the usage of an "interference engine" ordinarily defined as "the part of a rule-based expert system that makes logical inferences or decisions". As aforementioned, Board's interpretation of the claim is that it requires a specific type of knowledge-based system that includes an interference engine. Furthermore, the Board of Patent Appeals and Interferences sets forth that the claims also require separate and distinctive short-term and long-term memory components, as opposed to a single memory element that performs both short-term and long-term storage presented in the prior grounds of rejection under Sezan et al., and that it would not have been obvious for one skilled in the art to recognize that the singly illustrated memory of Sezan et al. could be physically broken into short-term and long-term components.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SEB

April 29, 2005